

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 193
91ST GENERAL ASSEMBLY

Reported from the Committee on Insurance, April 26, 2001, with recommendation that the House Committee Substitute for Senate Substitute for Senate Bill No. 193 Do Pass.

TED WEDEL, Chief Clerk

0775L.05C

AN ACT

To repeal sections 148.400, 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, and to enact in lieu thereof thirty-one new sections relating to insurance producers, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 148.400, 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121, 375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 148.400, 374.285, 375.012, 375.014, 375.015, 375.016, 375.017, 375.018, 375.019, 375.020, 375.022, 375.023, 375.025, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.052, 375.065, 375.071, 375.076, 375.106, 375.116, 375.136, 375.141, 375.158, 379.356 and 384.043, to read as follows:

148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

3 law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and
4 examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or
5 interinsurance exchange to the extent attributable to the principal business as such attorney in
6 fact, under any law of this state. **Unless rejected by the general assembly by April 1, 2003,**
7 **for all tax years beginning on or after January 1, 2003, a deduction for examination fees**
8 **which exceeds an insurance company's or association's premium tax liability for the same**
9 **tax year shall not be refundable, but may be carried forward to any subsequent tax year,**
10 **not to exceed five years, until the full deduction is claimed.**

374.285. Except as provided in section 375.141, RSMo, all records of disciplinary
2 **actions against an insurance agent, broker, agency or producer which resulted in a**
3 **voluntary forfeiture of two hundred dollars or less shall be expunged after a period of five**
4 **years from the date of the execution of the voluntary forfeiture by the director of the**
5 **department of insurance.**

375.012. 1. As used in [this chapter] **sections 375.012 to 375.158**, the following words
2 mean:

3 (1) ["Broker", an insurance broker is any natural person who, for a commission,
4 brokerage consideration, or other thing of value, acts or aids in any manner in negotiating
5 contracts of insurance, or in placing risks or in soliciting or effecting contracts of insurance as
6 an agent for an insured other than himself and not as an agent of an insuring company or any
7 other type of insurance carrier. The term "broker" shall not apply to a person working as an
8 officer for an insurance carrier, or in a clerical, administrative or service capacity for an
9 insurance carrier or for a licensed agent or broker provided that the person does not solicit
10 contracts of insurance. The term "broker" shall not apply to an insured's placing, or negotiating
11 the placement of, his own insurance; nor shall the term "broker" apply to any employee of an
12 insured engaged in placing or negotiating for placement of insurance for his employer;]

13 **"Business entity", a corporation, association, partnership, limited liability company,**
14 **limited liability partnership or other legal entity;**

15 (2) "Director", the director of the department of insurance;

16 (3) ["Insurance agency", any individual transacting or doing business under any name
17 other than his true name, any partnership, unincorporated association or corporation, transacting
18 or doing business with the public or insurance companies as an insurance agent or broker;

19 (4) "Insurance agent", any authorized agent of an insurer, or representative of the agent,
20 who acts as an agent in the solicitation of, negotiation for, or procurement or making of, any
21 insurance or annuity contract, other than the attorney in fact or a traveling salaried representative
22 of a mutual, reciprocal, or stock insurer;

23 (5) **"Home state", the District of Columbia and any state or territory of the United**

24 **States in which the insurance producer maintains his or her principal place of residence**
25 **or principal place of business and is licensed to act as an insurance producer;**

26 (4) **"Insurance", any line of authority, including life, accident and health or**
27 **sickness, property, casualty, variable life and variable annuity products, personal, credit**
28 **and any other line of authority permitted by state law or regulation;**

29 (5) **"Insurance company" or "insurer", any person, reciprocal exchange, interinsurer,**
30 **Lloyds insurer, fraternal benefit society, and any other legal entity engaged in the business of**
31 **insurance, including health services corporations, health maintenance organizations, prepaid**
32 **limited health care service plans, dental, optometric and other similar health service plans, unless**
33 **their exclusion from this definition can be clearly ascertained from the context of the particular**
34 **statutory section under consideration. Insurer shall also include all companies organized,**
35 **incorporated or doing business [under] pursuant to the provisions of chapters 375, 376, 377,**
36 **378, 379 [and], 381 and 384, RSMo. ["Insurer" shall not include companies formed under**
37 **section 354.700, RSMo.] Trusteed pension plans and profit sharing plans qualified [under]**
38 **pursuant to the United States Internal Revenue Code as now or hereafter amended shall not be**
39 **considered to be insurance companies or insurers within the definition of this section[.];**

40 (6) **"Insurance producer" or "producer", a person required to be licensed pursuant to the**
41 **laws of this state to sell, solicit or negotiate insurance;**

42 (7) **"License", a document issued by the director authorizing a person to act as an**
43 **insurance producer for the lines of authority specified in the document. The license itself**
44 **shall not create any authority, actual, apparent or inherent, in the holder to represent or**
45 **commit an insurance company;**

46 (8) **"Limited line credit insurance", credit life, credit disability, credit property,**
47 **credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty,**
48 **mortgage disability, guaranteed automobile protection (GAP) insurance, and any other**
49 **form of insurance offered in connection with an extension of credit that is limited to**
50 **partially or wholly extinguishing that credit obligation that the director determines should**
51 **be designated a form of limited line credit insurance;**

52 (9) **"Limited line credit insurance producer", a person who sells, solicits or**
53 **negotiates one or more forms of limited line credit insurance coverage through a master,**
54 **corporate, group or individual policy;**

55 (10) **"Limited lines insurance", insurance involved in credit transactions, insurance**
56 **contracts issued primarily for covering the risk of travel or any other line of insurance that**
57 **the director deems necessary to recognize for the purposes of complying with subsection**
58 **5 of section 375.017;**

59 (11) **"Limited lines producer", a person authorized by the director to sell, solicit**

60 or negotiate limited lines insurance;

61 (12) "Negotiate", the act of conferring directly with or offering advice directly to
62 a purchaser or prospective purchaser of a particular contract of insurance concerning any
63 of the substantive benefits, terms or conditions of the contract, provided that the person
64 engaged in that act either sells insurance or obtains insurance from insurers for
65 purchasers;

66 (13) "Person", an individual or any business entity;

67 (14) "Personal lines insurance", property and casualty insurance coverage sold to
68 individuals and families for primarily noncommercial purposes;

69 (15) "Sell", to exchange a contract of insurance by any means, for money or its
70 equivalent, on behalf of an insurance company;

71 (16) "Solicit", attempting to sell insurance or asking or urging a person to apply
72 for a particular kind of insurance from a particular company;

73 (17) "Terminate", the cancellation of the relationship between an insurance
74 producer and the insurer or the termination of the authority of the producer to transact
75 the business of insurance;

76 (18) "Uniform business entity application", the current version of the National
77 Association of Insurance Commissioners uniform business entity application for resident
78 and nonresident business entities seeking an insurance producer license;

79 (19) "Uniform application", the current version of the National Association of
80 Insurance Commissioners uniform application for resident and nonresident producer
81 licensing.

82 2. All statutory references to "insurance agent" or "insurance broker" shall mean
83 "insurance producer", as that term is defined pursuant to subsection 1 of this section.

375.014. 1. No person shall [act] sell, solicit or negotiate insurance in this state [as an
2 insurance agent] for any class or classes of insurance unless he or she is licensed [by the
3 director] for that line of authority as provided in this chapter.

4 2. Nothing in this chapter shall be construed to require an insurer to obtain an
5 insurance producer license. In this section, the term "insurer" shall not include the
6 officers, directors, employees, subsidiaries or affiliates of the insurer.

7 3. A license as an insurance producer shall not be required of the following:

8 (1) An officer, director or employee of an insurer or of an insurance producer,
9 provided that the officer, director or employee does not receive any commission on policies
10 written or sold to insure risks residing, located or to be performed in this state; and

11 (a) The activities of the officer, director or employee are executive, administrative,
12 managerial, clerical or a combination of these activities, and are only indirectly related to

13 the sale, solicitation or negotiation of insurance; or

14 (b) The function of the officer, director or employee relates to underwriting, loss
15 control, inspection or the processing, adjusting, investigating or settling of a claim on a
16 contract of insurance; or

17 (c) The officer, director or employee is acting in the capacity of a special agent or
18 agency supervisor assisting insurance producers where the activities are limited to
19 providing technical advice and assistance to licensed insurance producers and do not
20 include the sale, solicitation or negotiation of insurance;

21 (2) A person who secures and furnishes information for the purpose of group life
22 insurance, group property and casualty insurance, group annuities, group or blanket
23 accident and health insurance, or for the purpose of enrolling individuals under plans,
24 issuing certificates under plans or otherwise assisting in administering plans or who
25 performs administrative services related to mass-marketed property and casualty
26 insurance, when no commission is paid to the person for the service;

27 (3) An employer or association or its officers, directors, employees, or the trustees
28 of an employee trust plan, to the extent that the employers, officers, employees, directors
29 or trustees are engaged in the administration or operation of a program of employee
30 benefits for the employees of the employer or association or the employees of its
31 subsidiaries or affiliates, which program involves the use of insurance issued by an insurer,
32 as long as the employers, associations, officers, directors, employees or trustees are not in
33 any manner compensated, directly or indirectly, by the company issuing the contracts;

34 (4) Employees of insurers or organizations employed by insurers who are engaging
35 in the inspection, rating or classification of risks, or in the supervision of the training of
36 insurance producers and who are not individually engaged in the sale, solicitation or
37 negotiation of insurance and who do not accompany insurance producer trainees on
38 presentations to prospective insurance applicants;

39 (5) A person whose activities in this state are limited to advertising without the
40 intent to solicit insurance in this state through communications in printed publications or
41 other forms of electronic mass media whose distribution is not limited to residents of the
42 state, provided that the person does not sell, solicit or negotiate insurance that would insure
43 risks residing, located or to be performed in this state;

44 (6) A person who is not a resident of this state who sells, solicits or negotiates a
45 contract of insurance for commercial property and casualty risks to an insured with risks
46 located in more than one state insured under that contract, provided that the person is
47 otherwise licensed as an insurance producer to sell, solicit or negotiate that insurance in
48 the state where the insured maintains its principal place of business and the contract of

49 insurance insures risks located in that state;

50 (7) A salaried full-time employee who counsels or advises his or her employer
51 relative to the insurance interests of the employer or of the subsidiaries or business
52 affiliates of the employer provided that the employee does not sell or solicit insurance or
53 receive a commission;

54 (8) A licensed attorney providing probate or other court-required bonds on behalf
55 of a client or client represented by the firm or office of the attorney; or

56 (9) Employees of an insurer or of an insurance producer who respond to requests
57 from exiting policyholders on existing policies provided that those employees are not
58 directly compensated based on the volume of premiums that may result from these services
59 and provided those employees do not sell, solicit or negotiate insurance.

60 4. Those individuals and business entities licensed as of January 1, 2003, shall be
61 issued an individual insurance producer or a business entity insurance producer license
62 as the licenses renew on or after January 1, 2003. The licenses held by individuals and
63 business entities on the effective date of this act shall be deemed valid and accrue the
64 rights, privileges and responsibilities of an insurance producer license until an insurance
65 producer license is issued on renewal.

375.015. 1. An individual applying for a resident insurance producer license shall
2 make application to the director on the uniform application and declare under penalty of
3 refusal, suspension or revocation of the license that the statements made in the application
4 are true, correct and complete to the best of the knowledge and belief of the applicant.
5 Before approving the application, the director shall find that the individual:

6 (1) Is at least eighteen years of age;

7 (2) Has not committed any act that is a ground for denial, suspension or revocation
8 set forth in section 375.141;

9 (3) Has paid a license fee in the sum of one hundred dollars; and

10 (4) Has successfully passed the examinations for the lines of authority for which the
11 person has applied.

12 2. A business entity acting as an insurance producer is required to obtain an
13 insurance producer license. Application shall be made using the uniform business entity
14 application. Before approving the application, the director shall find that:

15 (1) The business entity has paid a license fee in the sum of one hundred dollars;

16 (2) The business entity has designated a licensed individual insurance producer to
17 be responsible for compliance with the insurance laws, rules and regulations of this state
18 by the business entity; and

19 (3) Neither the business entity nor any of its officers, directors or owners has

20 committed any act that is a ground for denial, suspension or revocation set forth in section
21 375.141.

22 3. The director may require any documents reasonably necessary to verify the
23 information contained in an application.

24 4. In addition to designating a licensed individual insurance producer to be
25 responsible for compliance with the insurance laws, rules and regulations of this state, the
26 application shall contain a list of all insurance producers employed by or acting in behalf
27 of or through the business entity and to whom the business entity pays any salary or
28 commission for the solicitation, negotiation or procurement of any insurance contract.

29 5. Within twenty working days after the change of any information submitted on
30 the application or upon termination of any insurance producer, the business entity shall
31 notify the director of the change or termination. No fee shall be charged for any such
32 change or termination.

33 6. If the director has taken no action within twenty-five working days of receipt of
34 an application, the application shall be deemed approved and the applicant may act as a
35 licensed insurance producer, unless the applicant has indicated a conviction for a felony
36 or a crime involving moral turpitude.

375.016. 1. A resident individual applying for an insurance producer license shall
2 pass a written examination unless exempt pursuant to subsection 5, 6 or 7 of this section.
3 The examination shall test the knowledge of the individual concerning the lines of authority
4 for which application is made, the duties and responsibilities of an insurance producer and
5 the insurance laws and regulations of this state. Examinations required by this section
6 shall be developed and conducted pursuant to the rules and regulations prescribed by the
7 director.

8 2. The director [shall issue a license to any natural person, who is at least eighteen years
9 of age, and has complied with the requirements of section 375.018, authorizing the licensee to
10 act as an insurance agent in respect to any or all types of insurance as specified in such license,
11 on behalf of any company which is authorized to do and transact such kinds of insurance
12 business in this state.

13 2. Any license issued shall authorize only the licensee named in the license to act
14 individually as agent thereunder.] **may make arrangements, including contracting with an**
15 **outside testing service, for administering examinations.**

16 3. Each individual applying for an examination shall remit a nonrefundable fee as
17 prescribed by the director.

18 4. An individual who fails to appear for the examination as scheduled or fails to
19 pass the examination, may reapply for an examination and shall remit all required fees and

20 forms before being rescheduled for another examination.

21 **5. An individual who applies for an insurance producer license in this state who**
22 **was previously licensed for the same lines of authority in another state shall not be**
23 **required to complete any examination. This exemption is only available if the person is**
24 **currently licensed in that state or if the application is received within ninety days of the**
25 **cancellation of the previous license and if the prior state issues a certification that, at the**
26 **time of cancellation, the applicant was in good standing in that state. The director may**
27 **also verify that the applicant is or was licensed in good standing for the lines of authority**
28 **requested through the producer database records, maintained by the National Association**
29 **of Insurance Commissioners, its affiliates or subsidiaries, or any other method the director**
30 **deems appropriate.**

31 **6. An individual licensed as an insurance producer in another state who moves to**
32 **this state shall make application within ninety days of establishing legal residence to**
33 **become a resident insurance producer pursuant to subsection 1 of this section. No**
34 **examination shall be required of that person to obtain any line of authority previously held**
35 **in the prior state except where the director determines otherwise by regulation.**

36 **7. Individuals applying for limited lines producer licenses shall be exempt from**
37 **examination.**

375.017. 1. [(1) The director shall not assess a greater fee for an insurance license or
2 related service to a person not residing in the state based solely on the fact that the person does
3 not reside in this state.

4 (2) The director shall waive any license application requirements for a nonresident
5 license applicant with a valid license from his or her home state, except the requirements
6 imposed by subsection 2 of this section, if the applicant's home state awards nonresident licenses
7 to residents of this state on the same basis.

8 (3) A nonresident licensee's satisfaction of his or her home state's continuing education
9 requirements for licensees shall constitute satisfaction of this state's continuing education
10 requirements if the nonresident licensee's home state recognizes the satisfaction of its continuing
11 education requirement imposed upon licensees from this state on the same basis. This section
12 shall also apply to surplus line licensees licensed pursuant to chapter 384, RSMo.

13 2. (1) Unless denied pursuant to section 375.141, a nonresident person shall receive a
14 nonresident agent or broker's license if:

15 (a) The person is currently licensed for the same line of authority as a resident and is in
16 good standing in his or her home state;

17 (b) The person has submitted the proper request for licensure and has paid the fees
18 required by law;

19 (c) The person has submitted or transmitted to the director the application for licensure
20 that the person submitted to his or her home state, or in lieu of the same, a completed uniform
21 application; and

22 (d) The person's home state awards nonresident licenses to residents of this state on the
23 same basis.] **Unless denied licensure pursuant to section 375.141, a nonresident person shall**
24 **receive a nonresident producer license if:**

25 (1) **The person is currently licensed as a resident and in good standing in his or her**
26 **home state;**

27 (2) **The person has submitted the proper request for licensure and has paid the fees**
28 **prescribed by the director;**

29 (3) **The person has submitted or transmitted to the director the application for**
30 **licensure that the person submitted to his or her home state, or in lieu of the same, a**
31 **completed uniform application or the uniform business entity application; and**

32 (4) **The home state of the person awards nonresident producer licenses to residents**
33 **of this state on the same basis.**

34 **2. The director may verify the licensing status of the nonresident producer through**
35 **the producer database maintained by the National Association of Insurance**
36 **Commissioners, its affiliates or subsidiaries or through any other method the director**
37 **deems appropriate.**

38 **3. A nonresident producer who moves from one state to another state or a resident**
39 **producer who moves from this state to another state shall file a change of address within**
40 **thirty days of the change of legal residence.**

41 [(2)] **4. Notwithstanding any other provision of [sections 375.012 to 375.146] this**
42 **chapter, a person licensed as a surplus lines licensee or producer in his or her home state shall**
43 **receive a nonresident surplus lines license pursuant to [subdivision (1)] subsection 1 of this**
44 **[subsection] section. Except as provided in [subdivision (1)] subsection 1 of this [subsection]**
45 **section, nothing in this [subsection] section otherwise amends or supercedes any provision of**
46 **chapter 384, RSMo.**

47 [(3)] **5. Notwithstanding any other provision of [sections 375.012 to 375.146] this**
48 **chapter, a person licensed as a limited line credit insurance producer or other type of limited**
49 **lines [licensee] producer in his or her home state shall receive a nonresident limited lines**
50 **producer license, pursuant to [subdivision (1)] subsection 1 of this [subsection] section,**
51 **granting the same scope of authority as granted under the license issued by [licensee's] the home**
52 **state of the producer.**

53 **[3. An individual who applies for an agent or broker's license in this state who was**
54 **previously licensed for the same lines of authority in another state shall not be required to**

55 complete any prelicensing education or examination. This exemption is only available if the
56 person is currently licensed in that state or if the application is received within ninety days of the
57 cancellation of the applicant's previous license and if the prior state issues a certification that, at
58 the time of cancellation, the applicant was in good standing in the state or the state's licensee
59 database records, maintained by the National Association of Insurance Commissioners, its
60 affiliates or subsidiaries, indicate that the licensee was licensed in good standing for the line of
61 authority requested.

62 4. Subsections 1 to 3 of this section do not apply to excess and surplus licensees licensed
63 pursuant to chapter 384, RSMo, except as provided in subdivision (3) of subsection 1 and
64 subsection 2 of this section.

65 5. Any bank or trust company in its sale or issuance of insurance products or services,
66 as authorized pursuant to section 362.105, RSMo, shall be subject to the insurance laws of this
67 state and rules adopted by the department of insurance.] **For the purposes of this subsection,**
68 **limited line insurance is any authority granted by the home state which restricts the**
69 **authority of the license to less than the total authority prescribed in the associated major**
70 **lines pursuant to subdivisions (1) to (6) of subsection 1 of section 375.018.**

71 6. **A satisfaction by the nonresident producer of the continuing education**
72 **requirements of his or her home state for licensed insurance producers shall constitute**
73 **satisfaction of the continuing education requirements of this state if the home state of the**
74 **nonresident producer recognizes the satisfaction of its continuing education requirements**
75 **imposed upon producers from this state on the same basis. This subsection shall also apply**
76 **to surplus lines licensees licensed pursuant to chapter 384, RSMo.**

77 7. **The director shall not assess a greater fee for an insurance producer license or**
78 **related service to a person not residing in the state solely on the fact that the person does**
79 **not reside in this state. The director shall waive any license application requirements for**
80 **a nonresident license applicant with a valid license from his or her home state, except the**
81 **requirements imposed by subsection 1 of this section, if the applicant's home state awards**
82 **nonresident licenses to residents of this state on the same basis.**

375.018. 1. [In addition to any other requirement imposed by law or rule, no applicant
2 for an agent's or broker's license shall be qualified therefor unless, within one year immediately
3 preceding the date a written application is made to the director, the applicant has successfully
4 completed a course of study approved by the director requiring the following hours of study, or
5 the equivalent thereof, for the following licenses: Not less than twenty hours for a license
6 limited to fire and allied lines insurance and twenty hours for general casualty insurance, or forty
7 hours combined of fire and allied lines and general casualty insurance; and not less than fifteen
8 hours for a license limited to life insurance and fifteen hours for accident and health insurance.]

9 Unless denied licensure pursuant to section 375.141, persons who have met the
10 requirements of sections 375.014, 375.015 and 375.016 shall be issued an insurance
11 producer license for a term of two years. An insurance producer may qualify for a license
12 in one or more of the following lines of authority:

13 (1) Life-insurance coverage on human lives including benefits of endowment and
14 annuities, and may include benefits in the event of death or dismemberment by accident
15 and benefits for disability income;

16 (2) Accident and health or sickness-insurance coverage for sickness, bodily injury
17 or accidental death and may include benefits for disability income;

18 (3) Property-insurance coverage for the direct or consequential loss or damage to
19 property of every kind;

20 (4) Casualty-insurance coverage against legal liability, including that for death,
21 injury or disability or damage to real or personal property;

22 (5) Variable life and variable annuity products-insurance coverage provided under
23 variable life insurance contracts and variable annuities;

24 (6) Personal lines-property and casualty insurance coverage sold to individuals and
25 families for primarily noncommercial purposes;

26 (7) Credit-limited line credit insurance;

27 (8) Any other line of insurance permitted under state laws or regulations.

28 2. Any [agent] **insurance producer** who is certified by the Federal Crop Insurance
29 Corporation on September 28, [1985] **1995**, to write federal crop insurance shall not be required
30 to have a [fire and allied lines] **property** license for the purpose of writing federal crop
31 insurance. [The director shall grant authority until revoked to such public and private
32 educational organizations, technical colleges, trade schools, insurance companies or insurance
33 trade organizations, or other approved organizations that provide satisfactory evidence that the
34 courses of study actually taken by the applicant were in substantial compliance with the
35 requirements established by the director. The director shall require the applicant to furnish a
36 certificate of completion of any required courses of study from the authorized educational
37 organizations. Every applicant seeking approval for a course of study by the director under this
38 section shall pay to the director a filing fee of fifty dollars per course, unless it is a not-for-profit
39 agents' group or association which provides no compensation to the course instructor. Such fee
40 shall accompany any application form required by the director for such course approval. Courses
41 shall be approved for a period of no more than one year. Applicants holding courses intended
42 to be offered for a longer period must reapply for approval. Courses approved by the director
43 prior to August 28, 1993, for which continuous certification is sought should be resubmitted for
44 approval sixty days before the anniversary date of the director's previous approval.

45 2. Before any insurance agent's license is issued, there shall be on file in the office of the
46 director the following:

47 (1) A written application made under oath by the prospective licensee in the form
48 prescribed by the director. The application form shall contain answers to the following
49 interrogatories: name, address, date of birth, sex, past employment for the three-year period
50 immediately preceding the date of the application, past experience in insurance, status of
51 accounts with insurance companies and agents, criminal convictions or pleas of nolo contendere
52 for felonies or misdemeanors, or currently pending felony charges or misdemeanor charges
53 excluding minor traffic violations, and if a surety bond has ever been refused or revoked as a
54 result of dishonest acts or practices. In addition, the application form shall contain a statement
55 as to the kinds of insurance business in which the applicant intends to engage; and

56 (2) A fee of twenty-five dollars must accompany each application for an agent's license.

57 3. The director shall, in order to determine the competency of every individual applicant
58 for a license, require the individual applicant to take and pass to the satisfaction of the director
59 a written examination upon the kind or kinds of insurance business specified in his or her
60 application. Such examinations shall be held at such times and places as the director shall from
61 time to time determine. The director may, at his order or discretion, designate an independent
62 testing service to prepare and administer such examination subject to direction and approval by
63 the director, and examination fees charged by such service shall be paid by the applicant. An
64 examination fee represents an administrative expense and is not refundable.

65 4. The examination shall be as prescribed by the director and shall be of sufficient scope
66 so as to reasonably test the applicant's knowledge relative to the kind or kinds of insurance which
67 may be dealt with under the license applied for by the applicant. The applicant shall be notified
68 of the result of the examination within twenty working days of the examination. The applicant
69 may begin to act as an agent for those lines for which the applicant has passed an examination
70 and completed the study requirements required by subsection 1 of this section and a license has
71 been received by the applicant.

72 5. No examination or approved course of study required by subsection 1 of this section
73 shall be required of:

74 (1) An applicant who is a ticket-selling agent or representative of a common carrier or
75 other company who acts as an insurance agent only in reference to the issuance of insurance
76 contracts primarily for covering the risk of travel;

77 (2) An applicant who holds a current license in another state which requires a written
78 examination satisfactory to the director;

79 (3) An applicant for the same kind of license as that which was held in another state
80 within one year next preceding the date of the application and which the applicant secured by

81 passing a written examination and fulfilling comparable study requirements, and provided that
82 the applicant is a legal resident of this state at the time of the application and is otherwise
83 deemed by the director to be fully qualified;

84 (4) An applicant who is an owner of an individually owned business, his employee, or
85 an officer or employee of a partnership or corporation who solicits, negotiates or procures credit
86 life, accident and health or property insurance in connection with a loan or a retail time sale
87 transaction made by the corporation, partnership, or individual business, or in a business in
88 which there is conducted wholly or partly retail installment transactions under chapter 365,
89 RSMo;

90 (5) Any person selling title insurance.

91 6. Every application for a license which may be granted without examination shall be
92 accompanied by a fee of twenty-five dollars.

93 7. Subsection 1 of this section shall not apply to any person licensed as an agent or
94 broker on January 1, 1986, unless the agent or broker applies for a type of license or line of
95 insurance for which the agent or broker is not licensed as of January 1, 1986.

96 8.] **3.** The biennial renewal fee for [an agent's] **a producer's** license is [twenty-five] **one**
97 **hundred** dollars for each license. [An agent's] **A producer's** license shall be renewed biennially
98 on the anniversary date of issuance and continue in effect until refused, revoked or suspended
99 by the director in accordance with section 375.141[; except that if the biennial renewal fee for
100 the license is not paid within ninety days after the biennial anniversary date or if the agent has
101 not complied with section 375.020 if applicable within ninety days after the biennial anniversary
102 date, the license terminates as of ninety days after the biennial anniversary date].

103 [9. Any nonresident agent who has not complied with the provisions of section 375.020
104 may not reapply for an agent license until that agent has taken the continuing education courses
105 required under section 375.020.

106 10. An agent whose license terminated for nonpayment of the biennial renewal fee or
107 noncompliance with section 375.020 may apply for a new agent's license because of such
108 nonpayment or noncompliance, except that such agent must comply with all provisions of this
109 section regarding issuance of a new license if such license was terminated for noncompliance
110 with section 375.020, or shall pay a late fee at the rate of twenty-five dollars per month or
111 fraction thereof after the biennial anniversary date if such license was terminated for nonpayment
112 of the renewal fee, except that nothing in this subsection shall require the director to relicense
113 any agent determined to have violated the provisions of subsection 1 of section 375.141.]

114 **4. An individual insurance producer who allows his or her license to expire may,**
115 **within twelve months from the due date of the renewal fee, reinstate the same license**
116 **without the necessity of passing a written examination. The insurance producer seeking**

117 relicensing pursuant to this subsection shall provide proof that the continuing education
118 requirements have been met and shall pay a penalty of twenty-five dollars per month that
119 the license was expired in addition to the requisite renewal fees that would have been paid
120 had the license been renewed in a timely manner. Nothing in this subsection shall require
121 the director to relicense any insurance producer determined to have violated the provisions
122 of section 375.141.

123 5. The license shall contain the name, address, identification number of the
124 insurance producer, the date of issuance, the lines of authority, the expiration date and any
125 other information the director deems necessary.

126 6. Insurance producers shall inform the director by any means acceptable to the
127 director of a change of address within thirty days of the change. Failure to timely inform
128 the director of a change in legal name or address may result in a forfeiture not to exceed
129 the sum of ten dollars per month.

130 7. In order to assist the director in the performance of his or her duties, the director
131 may contract with nongovernmental entities, including the National Association of
132 Insurance Commissioners or any affiliates or subsidiaries that the organization oversees
133 or through any other method the director deems appropriate, to perform any ministerial
134 functions, including the collection of fees, related to producer licensing that the director
135 may deem appropriate.

136 8. Any bank or trust company in the sale or issuance of insurance products or
137 services shall be subject to the insurance laws of this state and rules adopted by the
138 department of insurance.

139 9. A licensed insurance producer who is unable to comply with license renewal
140 procedures due to military service or some other extenuating circumstance, such as a long-
141 term medical disability, may request a waiver of those procedures. The producer may also
142 request a waiver of any other fine or sanction imposed for failure to comply with renewal
143 procedures.

375.019. To assist the director to carry out the provisions of section [375.018] **375.016**
2 there shall be an "Advisory Board on Licensing and Examination of Insurance [Agents and
3 Brokers] **Producers**" consisting of nine insurance [agents or brokers] **producers** duly licensed
4 by the state of Missouri. An insurance [agent or broker] **producer** to be eligible for service on
5 the state board on examinations shall be a citizen of the United States[,] **and a licensed** resident
6 insurance [agent or broker of the state of Missouri, licensed as an insurance agent or broker by
7 the state of Missouri] **producer**. Members of the board shall be appointed by the director. The
8 director shall appoint four members for two-year terms and five members for three-year terms.
9 Membership on the board shall terminate for failure to meet any of the qualifications for

10 eligibility, death, disability, inability to serve or resignation, absence from two consecutive
11 regular meetings without acceptable excuse filed in writing to the board, or removal by the
12 director. The board shall meet regularly at a place designated by the director within the state of
13 Missouri at least annually and whenever deemed necessary by the director. At the regular
14 meeting the board shall elect officers and transact any other such business as may properly come
15 before the board. Five members shall constitute a quorum. The officers of the board shall
16 consist of a chairman and vice chairman elected for a term of one year. The chairman, or in the
17 event of his inability to serve, the vice chairman, shall preside at all meetings of the board,
18 appoint committees, and perform the usual duties of such office. The board shall appoint a
19 secretary who shall be a member of the board. The secretary shall keep correct minutes of all
20 meetings of the board, furnishing a copy to each member and the director, mail notices of all
21 meetings no less than ten days in advance thereof, and otherwise perform the usual duties of such
22 office. The board shall make recommendations, including, but not limited to, [courses of study
23 required under subsection 1 of section 375.018,] the approval of any educational or trade
24 organizations and insurance companies, and any other matter that pertains to the [study]
25 **insurance producer continuing education** requirements [provided by subsection 1 of section
26 375.018]. The board shall seek at all times to maintain and increase the effectiveness of
27 examinations for insurance [agent or broker] **producer** licenses and shall advise and consult with
28 the director with respect to the preparation and the conduct of insurance [agent or broker]
29 **producer** examinations. The board shall recommend such changes as may expedite or improve
30 any phase of the examination procedure or the method of conducting examinations. The board
31 shall receive suggestions regarding the examination for consideration and discussion. The board
32 shall make rules and determine procedure, with the approval of the director, in reference to other
33 matters which may properly come before a board on examinations. Each member of the board
34 on beginning his or her term of office shall file with the director a written pledge of faithful and
35 honorable performance. The members of the board shall receive no compensation or expenses
36 in connection with the performance of their duties.

375.020. 1. Beginning January 1, 1990, each insurance [agent and insurance broker]
2 **producer**, unless exempt [under subsection 7, 8 or 9 of this] **pursuant to** section **375.016**,
3 licensed to sell insurance in this state shall successfully complete courses of study as required
4 by this section. Any person licensed to act as an insurance [agent or insurance broker] **producer**
5 shall, during each two years, attend courses or programs of instruction or attend seminars
6 equivalent to a minimum of ten hours of instruction for a life or accident and health license or
7 both a life and an accident and health license and a minimum ten hours of instruction for a
8 property or casualty license or both a property and a casualty license. Sixteen hours of training
9 will suffice for those with a life, health, accident, property and casualty license. Of the sixteen

10 hours training required above, the hours need not be divided equally. The courses or programs
11 shall include instruction on Missouri law. Course credit shall be given to members of the general
12 assembly as determined by the department.

13 2. Subject to approval by the director, the courses or programs of instruction which shall
14 be deemed to meet the director's standards for continuing educational requirements shall include,
15 but not be limited to, the following:

16 [(a)] (1) American College Courses (CLU, ChFC);

17 [(b)] (2) Life Underwriters Training Council (LUTC);

18 [(c)] (3) Certified Insurance Counselor (CIC);

19 [(d)] (4) Chartered Property and Casualty Underwriter (CPCU);

20 [(e)] (5) Insurance Institute of America (IIA);

21 [(f)] (6) An insurance related course taught by an accredited college or university or
22 qualified instructor who has taught a course of insurance law at such institution;

23 [(g)] (7) A course or program of instruction or seminar developed or sponsored by any
24 authorized insurer, recognized [agents'] **producer** association or insurance trade association. A
25 local [agents'] **producer** group may also be approved if the instructor receives no compensation
26 for services.

27 3. A person teaching any approved course of instruction or lecturing at any approved
28 seminar shall qualify for the same number of classroom hours as would be granted to a person
29 taking and successfully completing such course, seminar or program.

30 4. Excess classroom hours accumulated during any two-year period may be carried
31 forward to the two-year period immediately following the two-year period in which the course,
32 program or seminar was held.

33 5. For good cause shown, the director may grant an extension of time during which the
34 educational requirements imposed by this section may be completed, but such extension of time
35 shall not exceed the period of one calendar year. The director may grant an individual waiver
36 of the mandatory continuing education requirement upon a showing by the licensee that it is not
37 feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be
38 granted for reasons including, but not limited to:

39 (1) Serious physical injury or illness;

40 (2) Active duty in the armed services for an extended period of time;

41 (3) Residence outside the United States; or

42 (4) Licensee is at least seventy years of age.

43 6. Every person subject to the provisions of this section shall furnish in a form
44 satisfactory to the director, written certification as to the courses, programs or seminars of
45 instruction taken and successfully completed by such person. [A filing fee shall be paid by the

46 person furnishing the report as determined by the director to be necessary to cover the
47 administrative cost related to the handling of such certification reports, subject to the limitations
48 imposed in subsection 10 of this section.] **Every provider of continuing education courses**
49 **authorized in this state shall, within thirty working days of a licensed producer completing**
50 **its approved course, provide certification to the director of the completion in a format**
51 **prescribed by the director.**

52 7. The provisions of this section shall not apply to those natural persons holding licenses
53 for any kind or kinds of insurance for which an examination is not required by the law of this
54 state, nor shall they apply to any [such] limited **lines insurance producer license** or restricted
55 license as the director may exempt.

56 8. [The provisions of this section shall not apply to those natural persons holding or
57 applying for a license to act as an insurance agent or insurance broker in Missouri who reside in
58 a state that has enacted and implemented a mandatory continuing education law or regulation
59 pertaining to the type of license then held or applied for by such person. However, those natural
60 persons holding or applying for a Missouri agent or broker license who reside in states which
61 have no mandatory continuing education law or regulations shall be subject to all the provisions
62 of this section to the same extent as resident Missouri agents and brokers.

63 9.] The provisions of this section shall not apply to a life insurance [agent] **producer**
64 who is limited by the terms of a written agreement with the insurer[, which the insurer filed on
65 that agent's behalf the appropriate appointment documents with the department of insurance,]
66 to transact only specific life insurance policies having an initial face amount of five thousand
67 dollars or less, or annuities having an initial face amount of ten thousand dollars or less, that are
68 designated by the purchaser for the payment of funeral or burial expenses. The director may
69 require the insurer [appointing such agents] **entering into the written agreements with the**
70 **insurance producers pursuant to this subsection** to certify as to the [agents'] representations
71 **of the insurance producers.**

72 [10.] **9.** Rules and regulations necessary to implement and administer this section shall
73 be promulgated by the director [of the department of insurance], including, but not limited to,
74 rules and regulations regarding the following:

75 (1) Course content and hour credits: The insurance advisory board established by section
76 375.019 shall be utilized by the director to assist him in determining acceptable content of
77 courses, programs and seminars to include classroom equivalency;

78 (2) Filing fees for course approval: Every applicant seeking approval by the director of
79 a continuing education course under this section shall pay to the director a filing fee of fifty
80 dollars per course[, except that such total fee shall not exceed two hundred fifty dollars per year
81 for any single applicant]. Fees shall be waived for **state and local [agents'] insurance producer**

82 groups [if the instructor receives no compensation for services]. Such fee shall accompany any
83 application form required by the director. Courses shall be approved for a period of no more
84 than one year. Applicants holding courses intended to be offered for a longer period must reapply
85 for approval. Courses approved by the director prior to August 28, 1993, for which continuous
86 certification is sought should be resubmitted for approval sixty days before the anniversary date
87 of the [director's] previous approval[;

88 (3) Filing fee for continuing education certification: The director has the authority to
89 determine the amount of the filing fee to be paid by agents and brokers at the time of license
90 renewal, which shall be set at an amount to produce revenue which shall not substantially exceed
91 the cost of administering this section, but in no event shall such fee exceed ten dollars per
92 biennial report filed].

93 [11.] 10. All funds received pursuant to the provisions of this section shall be
94 transmitted by the director [of the department of insurance] to the department of revenue for
95 deposit in the state treasury to the credit of the department of insurance dedicated fund. All
96 expenditures necessitated by this section shall be paid from funds appropriated from the
97 department of insurance dedicated fund by the legislature. [Any money in the insurance
98 continuing education trust fund on June 26, 1991, shall be transferred to the credit of the
99 department of insurance dedicated fund.

100 12. When the insurance agent or insurance broker pays his biennial renewal fee, he shall
101 also furnish the written certification and filing fee required by this section.]

375.022. 1. [Every insurance company] **An insurer** authorized to [provide or] transact
2 **the business of** insurance in this state shall[, within thirty working days of an appointment of
3 an agent to act for such insurance company, notify the director of such appointment upon forms
4 prescribed by the director. Each appointment will result in a ten-dollar fee. The company shall
5 remit these fees to the department of insurance on a quarterly basis. Such appointments may be
6 made by appointing individual agents or by designating a licensed agency or a licensed
7 organizational credit agency. The designation of an agency or an organizational credit agency
8 shall be deemed to appoint all agents listed by such agency or listed as employees of such
9 organizational credit agency pursuant to section 375.061 or section 375.065 to act for the
10 insurance company in the lines for which the agent is licensed and the agency is designated. Any
11 additional agents listed by the agency or additional agents listed by the organizational credit
12 agency pursuant to section 375.061 or section 375.065 after the designation of the agency or the
13 organizational credit agency shall be deemed appointed for all companies with existing
14 designations of the agency or the organizational credit agency. The appointment of an agent
15 pursuant to the provisions of this subsection shall terminate upon the agent's termination by or
16 resignation from the agency or the organizational credit agency, upon termination of the agency

17 or the organizational credit agency by the insurance company, or upon nonrenewal, suspension,
18 surrender or revocation of the agent's license. Every such insurance company shall notify the
19 director within thirty working days of the termination of the appointment of any agent whether
20 the termination is by action of the company or resignation of the agent. Each termination will
21 result in a ten-dollar fee. When the cause of termination is for a reason that, pursuant to the
22 provisions of section 375.141, would permit the director to revoke, suspend or refuse to issue
23 an agent's license, the notice shall state the cause and circumstances of the termination. The
24 notice shall be filed promptly after termination and within such time as may be prescribed by an
25 appropriate order or regulation of the director of the department of insurance. The director may
26 prescribe the form upon which the notification is to be given. The director shall upon written
27 request by the agent furnish to him or her a copy of all information obtained pursuant to this
28 section.

29 2. Any information filed by an insurance company or obtained by the director pursuant
30 to this section and any document, record or statement required by the director pursuant to the
31 provisions of this section shall be deemed confidential and absolutely privileged. There shall be
32 no liability on the part of, and no cause of action shall arise against, any insurer, its agents or its
33 authorized investigative sources or the director or the director's authorized representatives in
34 connection with any written notice required by this section made by them in good faith.]
35 **maintain a register of appointed insurance producers who are authorized to sell, solicit or**
36 **negotiate contracts of insurance on behalf of the insurer. Within thirty days of an insurer**
37 **authorizing an insurance producer to transact the business of insurance on its behalf, the**
38 **insurer shall enter the name and license number of the insurance producer in the company**
39 **register of appointed insurance producers. No fee shall be charged for adding a producer**
40 **to or terminating a producer from the register.**

41 **2. An insurance producer shall not act on behalf of an insurer unless the insurance**
42 **producer is listed on the company register of appointed insurance producers authorized**
43 **to sell, solicit or negotiate contracts of insurance on behalf of the insurer.**

44 **3. The company register of appointed insurance producers shall be open to**
45 **inspection and examination by the director during regular business hours of the insurer.**

46 **4. The company register of appointed insurance producers may be maintained**
47 **electronically.**

375.023. 1. An insurer that terminates the appointment, employment, contract or
2 other insurance business relationship with an insurance producer for one of the reasons
3 set forth in section 375.141 shall, within thirty days following the effective date of the
4 termination, notify the director of the reason for termination. The insurer shall also
5 update its company register of appointed insurance producers by entering the effective

6 date of the termination within thirty days after the termination.

7 2. An insurer that terminates the appointment, employment, contract or other
8 insurance business relationship with an insurance producer for any reason not set forth
9 in section 375.141, shall update its company register of appointed insurance producers by
10 entering the effective date of the termination within thirty days after the termination.

11 3. The insurer shall promptly notify the director if, upon further review or
12 investigation, the insurer discovers additional information that would have been reportable
13 to the director in accordance with subsection 1 of this section had the insurer then known
14 of its existence.

15 4. Any information filed by an insurance company or obtained by the director
16 pursuant to this section and any document, record or statement required by the director
17 pursuant to the provisions of this section shall be deemed confidential and absolutely
18 privileged. There shall be no liability on the part of, and no cause of action shall arise
19 against, any insurer, its producers or its authorized investigative sources or the director
20 or the director's authorized representatives in connection with any written notice required
21 by the section made by them in good faith. The director shall, upon written request by the
22 producer, furnish to the producer a copy of all information obtained pursuant to this
23 section.

24 5. The director is authorized to use the documents, materials or other information
25 in the furtherance of any regulatory or legal action brought as a part of the duties of the
26 director.

27 6. Neither the director nor any person who received documents, materials or other
28 information while acting under the authority of the director shall be permitted or required
29 to testify in any private civil action concerning any confidential documents, materials, or
30 information subject to subsection 1 of this section.

31 7. In order to assist in the performance of the duties of the director pursuant to this
32 section, the director:

33 (1) May share documents, materials or other information, including the
34 confidential and privileged documents, materials or information subject to subsection 5 of
35 this section, with other state, federal, and international regulatory agencies, with the
36 National Association of Insurance Commissioners, its affiliates or subsidiaries, and with
37 state, federal, and international law enforcement authorities, provided that the recipient
38 agrees to maintain the confidentiality and privileged status of the document, material or
39 other information; and

40 (2) May receive documents, materials or information, including otherwise
41 confidential and privileged documents, materials or information, from the National

42 **Association of Insurance Commissioners, its affiliates or subsidiaries and from regulatory**
43 **and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain**
44 **as confidential or privileged any document, material or information received with notice**
45 **or the understanding that it is confidential or privileged under the laws of the jurisdiction**
46 **that is the source of the document, material or information.**

47 **8. No waiver of any applicable privilege or claim of confidentiality in the**
48 **documents, materials, or information shall occur as a result of disclosure to the director**
49 **pursuant to this section or as a result of sharing as authorized in subsection 7 of this**
50 **section.**

51 **9. Nothing in this chapter shall prohibit the director from releasing final,**
52 **adjudicated actions including for cause terminations that are open to public inspection**
53 **pursuant to chapter 610, RSMo, to a database or other clearinghouse service maintained**
54 **by the National Association of Insurance Commissioners, its affiliates or subsidiaries of the**
55 **National Association of Insurance Commissioners or any other like database or**
56 **clearinghouse as deemed appropriate by the director.**

57 **10. If the director suspends, revokes, or refuses to issue or renew a license pursuant**
58 **to section 375.141, he or she shall provide public notice.**

375.025. 1. The director may issue [an agent's] **a temporary insurance producer license**
2 **for a period not to exceed ninety days** without requiring [the applicant to pass a written] **an**
3 **examination if the director deems the temporary license is necessary for the servicing of an**
4 **insurance business** in the following circumstances:

5 (1) To the surviving spouse or [next of kin or the] **court-appointed** personal
6 representative of a [deceased agent, or to the spouse, next of kin, employee, or conservator of a]
7 licensed [agent becoming] **insurance producer who dies or becomes mentally or physically**
8 **disabled** [because of sickness, mental or physical disability, or injury, if in the director's opinion
9 a temporary license is necessary] **to allow adequate time** for the [continuation] **sale** of the
10 **insurance** business [of the agent thereby affected. Such license may be issued for a term not
11 exceeding ninety days and the director may in his discretion renew such license for an additional
12 term or terms of ninety days each, not exceeding in the aggregate fifteen months] **owned by the**
13 **producer or to provide for the training and licensing of new personnel to operate the**
14 **business of the producer;**

15 (2) To a member or employee of a business entity licensed as an insurance
16 producer, upon the death or disability of an individual designated in the business entity
17 application or the license;

18 [(2)] (3) To the designee of a licensed [agent who shall enter] **insurance producer**
19 **entering** active service in the armed forces of the United States [for such period of time as in

20 the opinion of the director may be necessary for the continuation of the business of the agent
21 thereby affected.]; or

22 (4) **In any other circumstance in which the director deems that the public interest**
23 **will best be served by the issuance of the license.**

24 2. **The director may by order limit the authority of any temporary licensee in any**
25 **way deemed necessary to protect insureds and the public. The director may require the**
26 **temporary licensee to have a suitable sponsor who is a licensed producer or insurer and**
27 **who assumes responsibility for all acts of the temporary licensee and may impose other**
28 **similar requirements designed to protect insureds and the public. The director may revoke**
29 **a temporary license if the interest of insureds or the public are endangered. A temporary**
30 **license may not continue after the owner or the personal representative disposes of the**
31 **business.**

375.031. As used in sections 375.031 to 375.039, the following words and terms mean:

2 (1) "Director", the director of the department of insurance;

3 (2) "Exclusive [agent] **insurance producer**", any licensed [agent] **insurance producer**
4 whose contract with an insurer requires the [agent] **insurance producer** to act as an **agent** only
5 for that insurer or a group of insurers under common ownership or control or other insurers
6 authorized by that insurer;

7 (3) "Independent insurance [agent] **producer**", any licensed [agent] **insurance producer**
8 representing an insurance company as an independent contractor and not as an employee, or any
9 individual, partnership or corporation transacting business with the public or insurance
10 companies as an **agent is an independent insurance [agent] producer**, but shall not include an
11 exclusive [agent] **insurance producer**;

12 (4) "Insurer", any property and casualty insurance company doing business in the state
13 of Missouri.

375.033. 1. All contracts between an insurer and an independent insurance [agent]
2 **producer** in effect in the state of Missouri on or after September 28, 1979, shall not be
3 terminated or canceled by the insurer except by mutual agreement or unless ninety days' written
4 notice in advance has been given to the [agent] **independent insurance producer** and the
5 director of insurance.

6 2. During the ninety days' notice period the independent insurance [agent] **producer**
7 shall not write or bind any new business on behalf of the insurer without specific written
8 approval.

375.035. 1. Any insurer in this state shall, upon termination or cancellation of an
2 independent insurance [agent's] **producer's** contract, permit the renewal of all contracts of
3 insurance written by the independent insurance [agent] **producer** for a period of one year from

4 the date of termination, as determined by the underwriting requirements of the insurer. If any
5 insured fails to meet the current underwriting requirements of the insurer, the insurer shall give
6 the terminated independent insurance [agent] **producer** and the insured thirty days' notice of its
7 intention not to renew the contract of insurance.

8 2. Any insurer renewing contracts of insurance in accordance with this section shall pay
9 commissions for the renewals to the terminated or canceled independent insurance [agent]
10 **producer** in the same amount and manner as paid to the independent insurance [agent] **producer**
11 under the terminated or canceled contract.

12 3. When the insurer renews a contract of insurance [under] **pursuant to** this section, the
13 renewal shall be for a time period equal to the greater of one year or one additional term of the
14 term specified in the original contract.

375.037. 1. The director of insurance, on the written complaint of any person, or when
2 [he] **the director** deems it necessary without a complaint, shall determine whether there has been
3 a violation of sections 375.031 to 375.037. After such determination, the director shall notify
4 all parties concerned by certified mail and shall prescribe a method of cancellation to be followed
5 by the concerned parties. Any party who is aggrieved by the decision of the director of insurance
6 shall be entitled to judicial review thereof, as provided in sections 536.100 to 536.140, RSMo.

7 2. Sections 375.031 to 375.037 shall not apply if the director determines nonrenewal is
8 necessary to preserve an insurer's solvency or to protect the insured's interest. Nor shall sections
9 375.031 to 375.037 apply in the case of fraud, failure to properly remit premiums, or whenever
10 the director determines the license of the [agent] **insurance producer** could be revoked or not
11 renewed [under] **pursuant to** the provisions of section 375.141.

12 3. If any provision of sections 375.031 to 375.037 or the application thereof to any
13 person or circumstances is held invalid, the validity of the remainder of sections 375.031 to
14 375.037 and of the application of such provision to other persons and circumstances shall not
15 be affected thereby.

375.039. 1. No insurer may cancel, terminate or otherwise withdraw coverage for a
2 certain class of commercial risk, unless written notice of such cancellation, termination, or
3 withdrawal is given to the insurer's independent insurance [agent] **producer** authorized to sell
4 such insurance coverage at least sixty days prior to such cancellation, termination or withdrawal.

5 2. The provisions of subsection 1 of this section shall not apply if the cancellation,
6 termination or withdrawal of coverage by an insurer is by reason of reinsurance requirements,
7 adverse loss experience, or by the requirement of the Missouri department of insurance. In these
8 circumstances, the notice described in subsection 1 of this section shall be given at least thirty
9 days prior to such cancellation, termination or withdrawal.

375.046. Any person or persons in this state who shall receipt for any money on account

2 of or for any contract of insurance made by [him or them] **such person or persons** for any
3 insurance company or association not at the time authorized to do business in this state, or who
4 shall receive or receipt for any money from other persons, to be transmitted to any such insurance
5 company or association, either in or out of this state, for a policy or policies of insurance issued
6 by the company or association, or for any renewal thereof, although the same may not be required
7 by [him or them] **such person or persons** as [agents] **insurance producers**, or who shall make
8 or cause to be made, directly or indirectly, any contract of insurance for the company or
9 association, shall be deemed to all intents and purposes [an agent] **a producer** of the company
10 or association, and shall be subject to all the provisions and regulations and liable to all the
11 penalties provided and fixed by sections 375.010 to 375.920.

375.051. 1. Any [person] **insurance producer** who shall be appointed or who shall act
2 [as agent for] **on behalf of** any insurance company within this state, or who shall, [as agent] **on**
3 **behalf of any insurance company**, solicit applications, deliver policies or renewal receipts and
4 collect premiums thereon, or who shall receive or collect moneys from any source or on any
5 account whatsoever, [as agent, for] **on behalf of** any insurance company doing business in this
6 state, shall be held responsible in a trust or fiduciary capacity to the company for any money so
7 collected or received by him **or her** for [such] **the insurance** company.

8 2. Any insurance producer who shall act on behalf of any applicant for insurance
9 or insured within this state, or who shall, on behalf of any applicant for insurance or
10 insured, seek to place insurance coverage, deliver policies or renewal receipts and collect
11 premiums thereon, or who shall receive or collect moneys from any source or on any
12 account whatsoever, shall be held responsible in a trust or fiduciary capacity to the
13 applicant for insurance or insured for any money so collected or received by him or her.

14 3. Nothing in this section shall be construed to require any insurance producer to
15 maintain a separate bank account or deposit for the funds of each payor, as long as the
16 funds so held are reasonably ascertainable from the books of account and records of the
17 insurance producer.

375.052. An insurer or insurance producer may charge additional incidental fees
2 for premium installments, late payments, policy reinstatements, or other similar services
3 specifically provided for by law or regulation. Such fees shall be disclosed to the applicant
4 or insured in writing.

375.065. 1. Notwithstanding any other provision of this chapter, the director may license
2 credit insurance [agents] **producers** by issuing individual licenses to [such agents] **each credit**
3 **insurance producer** or by issuing an organizational credit [agency] **entity** license to a resident
4 or nonresident applicant who has complied with the requirements of this section. An
5 organizational credit [agency] **entity** license authorizes the [licensee's] employees **of the licensee**

6 who are at least eighteen years of age, acting on behalf of and supervised by the licensee and
7 whose compensation is not primarily paid on a commission basis to act as [agents] **insurance**
8 **producers** for the following types of insurance:

- 9 (1) Credit life insurance;
- 10 (2) Credit accident and health insurance;
- 11 (3) Credit property insurance;
- 12 (4) Credit involuntary unemployment insurance;
- 13 (5) Any other form of credit or credit-related insurance approved by the director.

14 2. To obtain an organizational credit [agency] **entity** license, an applicant shall submit
15 to the director [an application in a form prescribed by the director] **the uniform business entity**
16 **application** along with a fee of one hundred dollars. All applications shall include the following
17 information:

18 (1) The name of the [agency] **business entity**, the business address or addresses of the
19 [agency] **business entity** and the type of ownership of the [agency] **business entity**. If [an
20 agency] **a business entity** is a partnership or unincorporated association, the application shall
21 contain the name and address of every person or corporation having a financial interest in or
22 owning any part of [such agency] **the business entity**. If [an agency] **the business entity** is a
23 corporation, the application shall contain the names and addresses of all officers and directors
24 of the corporation. If the [agency] **business entity** is a limited liability company, the application
25 shall contain the names and addresses of all members and officers of the limited liability
26 company;

27 (2) A list of all persons employed by the [agency] **business entity** and to whom [the
28 agency] **it** pays any salary or commission for the **sale**, solicitation [or], negotiation **or**
29 **procurement** of any contracts of credit life, credit accident and health, credit involuntary
30 unemployment, credit leave of absence, credit property or any other form of credit or
31 credit-related insurance approved by the director. **Any changes in the list of employees of the**
32 **business entity due to hiring or termination or any other reason shall be submitted to the**
33 **director within ten days of the change.**

34 3. [An organizational credit agency authorized pursuant to this section shall be deemed
35 a licensed agency for the purposes of subsection 1 of section 375.061 and section 375.141.] All
36 persons included on the list referenced in subdivision (2) of subsection 2 of this section shall be
37 deemed [licensed agents] **insurance producers** pursuant to the [provision] **provisions** of
38 **subsection 1 of section [375.016] 375.014** for the authorized lines of credit insurance, and shall
39 be deemed licensed [agents] **insurance producers** for the purposes of section 375.141,
40 notwithstanding the fact that individual licenses are not issued to those persons included on
41 [such] **the business entity application** list.

42 4. Upon receipt of a completed application and payment of the requisite fees, the
43 director, if satisfied that an applicant [organizational credit agency] has complied with all license
44 requirements contained in this section, shall issue the applicant an organizational credit [agency]
45 **business entity** license which shall remain in effect for one year or until suspended or revoked
46 by the director, or until the [agency] **organizational credit business entity** ceases to operate as
47 a legal entity in this state. Each organizational credit [agency] **business entity** shall renew its
48 license annually, on or before the anniversary date of the original issuance of the license, by:

49 (1) Paying a renewal fee of fifty dollars;

50 (2) Providing the director a list of all employees **selling**, soliciting, negotiating and
51 procuring credit insurance, and paying a fee of eighteen dollars per each [such] employee.

52 5. Licenses **of organizational credit business entities** which are not timely renewed
53 shall expire [thirty days after] **on** the anniversary date of the original issuance. [The director
54 shall assess a penalty of twenty-five dollars per month if a formerly licensed credit agency
55 operates as such without a current license.] **An organizational credit business entity that**
56 **allows the license to expire may, within twelve months of the due date of the renewal,**
57 **reinstate the license by paying the license fee that would have been paid had the license**
58 **been renewed in a timely manner plus a penalty of twenty-five dollars per month that the**
59 **license was expired.**

60 6. Notwithstanding any other provision of law to the contrary, this section shall not be
61 construed to prohibit an insurance company from paying a commission or providing another
62 form of remuneration to a duly licensed organizational credit [agency] **business entity**.

63 7. The director shall have the power to promulgate such rules and regulations as are
64 necessary to implement the provisions of this section. No rule or portion of a rule promulgated
65 pursuant to the authority of this section shall become effective unless it has been promulgated
66 pursuant to the provisions of chapter 536, RSMo.

 375.071. [Unless exempted by subsection 7 of section 375.018, no person shall act as
2 or hold himself out to be a broker until he has satisfied the study requirements of subsection 1
3 of section 375.018 and has procured a license as required by this chapter, and no broker shall
4 solicit or take applications for, procure, or place for others any kind or kinds of insurance, or any
5 subdivision thereof, for which he is not then licensed.] **1. The director may participate in a**
6 **centralized producer license registry, in whole or in part, with any entity the director**
7 **deems appropriate, including but not limited to the National Association of Insurance**
8 **Commissioners, or any affiliates or subsidiaries such organization oversees, in which**
9 **insurance producer licenses may be centrally or simultaneously effected for all states that**
10 **require an insurance producer license and that participate in the centralized producer**
11 **license registry.**

12 **2. If the director finds that participation in the centralized producer license registry**
13 **is in the public interest, the director may adopt by rule any uniform standards and**
14 **procedures consistent with this chapter as are necessary to participate in the registry,**
15 **including the central collection of all fees for licenses that are processed through the**
16 **registry.**

 375.076. [Any person desiring a license to act as a broker shall file with the director a
2 fee of one hundred dollars and his written application in such form and give such information
3 respecting his qualifications as the director may reasonably require.] **1. An insurance company**
4 **or insurance producer shall not pay a commission, service fee, brokerage or other valuable**
5 **consideration to a person for selling, soliciting or negotiating insurance in this state if that**
6 **person is required to be licensed and is not so licensed.**

7 **2. A person shall not accept a commission, service fee, brokerage or other valuable**
8 **consideration for selling, soliciting or negotiating insurance in this state if that person is**
9 **required to be licensed and is not so licensed.**

10 **3. Renewal or other deferred commissions may be paid to a person selling, soliciting**
11 **or negotiating insurance in this state if the person was required to be licensed at the time**
12 **of the sale, solicitation or negotiation and was so licensed at that time.**

13 **4. An insurer or insurance producer may pay or assign commissions, service fees,**
14 **brokerages or other valuable consideration to a business entity licensed as an insurance**
15 **producer or to persons who do not sell, solicit or negotiate insurance in this state, unless**
16 **the payment would violate subdivision (9) of section 375.936 or section 379.356, RSMo.**
17 **Under no circumstances may an insurer or insurance producer pay or assign commissions,**
18 **service fees, brokerages or other valuable consideration to a person whose license is under**
19 **suspension or revocation.**

 375.106. [Brokers] **Insurance producers acting on behalf of an applicant for**
2 **insurance or insured** shall negotiate contracts of insurance only with [qualified] **authorized**
3 domestic insurance companies, licensed insurance [agencies or their agents, or] **insurance**
4 **producers**, foreign insurance companies duly admitted to do business in this state, or with a duly
5 licensed surplus lines broker. [Every broker shall notify the director of those insurance
6 companies with whom he places risks. Such notification shall not take place more than ten days
7 after he places the first such risk with such insurance company or surplus lines broker. Every
8 broker shall also immediately notify the director when he no longer intends to place such risks
9 with such insurance company or surplus lines broker on a regular basis. Willful failure of a
10 broker to comply with this requirement shall cause the revocation or suspension of all licenses
11 held by the broker.]

 375.116. 1. An insurance [carrier or agent thereof or broker] **company or insurance**

2 **producer** may pay money, commissions or brokerage, or give or allow anything of value, for or
3 on account of negotiating contracts of insurance, or placing or soliciting or effecting contracts
4 of insurance, to a duly licensed [broker] **insurance producer**.

5 2. Nothing in this chapter shall abridge or restrict the freedom of contract of insurance
6 [carriers or agents thereof or brokers] **companies or insurance producers** with reference to the
7 amount of commissions or fees to be paid to [such brokers and such] **the insurance producers**
8 **and the** payments are expressly authorized.

9 3. No insurance [broker] **producer** shall have any right to compensation[,] other than
10 commissions deductible from premiums on insurance policies or contracts[,] from any **applicant**
11 **for insurance or** insured [or prospective insured] for or on account of the negotiation or
12 procurement of, or other service in connection with, any contract of insurance made or negotiated
13 in this state or for any other services on account of [such] insurance policies or contracts,
14 including adjustment of claims arising therefrom, unless the right to compensation is based upon
15 a written agreement between the [broker] **insurance producer** and the insured specifying or
16 clearly defining the amount or extent of the compensation. Nothing [herein] contained **in this**
17 **section** shall affect the right of any [broker] **insurance producer** to recover from the insured the
18 amount of any premium or premiums for insurance effectuated by or through the [broker]
19 **insurance producer**.

20 4. No insurance [broker] **producer** shall, in connection with the negotiation,
21 procurement, issuance, delivery or transfer in this state of any contract of insurance made or
22 negotiated in this state, directly or indirectly, charge or receive from the **applicant for insurance**
23 **or** insured [or prospective insured] therein any greater sum than the rate of premium fixed
24 therefor and shown on the policy by the insurance [carrier obligated as such therein] **company**,
25 unless the [broker] **insurance producer** has a right to compensation for services created in the
26 manner specified in subsection 3 **of this section**.

375.136. Any [broker] **insurance producer** placing business with a nonresident agent
2 **or producer** of a nonadmitted insurance [carrier] **company** or direct with a nonadmitted
3 insurance [carrier] **company** or nonresident broker **or insurance producer** shall be subject to
4 the provisions of chapter 384, RSMo.

375.141. 1. The director may [revoke or] suspend, [for such period as he or she may
2 determine, any] **revoke, refuse to issue or refuse to renew an insurance producer** license [of
3 any insurance agent, agency or broker if it is determined as provided by sections 621.045 to
4 621.198, RSMo, that the licensee or applicant has, at any time, or if an insurance agency, the
5 officers, owners or managers thereof have:

6 (1) In their dealings as an agent, broker or insurance agency, knowingly violated any
7 provisions of, or any obligation imposed by, the laws of this state, department of insurance rules

8 and regulations, or aided, abetted or knowingly allowed any insurance agent or insurance broker
9 acting in behalf of an insurance agency to violate such laws, orders, rules or regulations which
10 result in the revocation or suspension of the agent's or broker's license notwithstanding the same
11 may provide for separate penalties;

12 (2) Obtained or attempted to obtain license by fraud, misrepresentation or made a
13 material misstatement in the application for license;

14 (3) Been convicted of a felony or crime involving moral turpitude;

15 (4) Demonstrated lack of trustworthiness or competence;

16 (5) Misappropriated or converted to his, her or its own use or illegally withheld money
17 belonging to an insurance company, its agent, or to an insured or beneficiary or prospective
18 insurance buyer;

19 (6) Practiced or aided or abetted in the practice of fraud, forgery, deception, collusion
20 or conspiracy in connection with any insurance transaction;

21 (7) Acted as an insurance agency through persons not licensed as insurance agents or
22 insurance brokers;

23 (8) Acted as an insurance agent, insurance agency, or insurance broker when not licensed
24 as such;

25 (9) Had revoked or suspended any insurance license by another state;

26 (10) Committed unfair practices as defined in section 375.936;

27 (11) Sought the license for the primary purpose of soliciting, negotiating or procuring
28 insurance contracts covering himself or herself or his or her family or insurance on property
29 owned by his or her employer or any person who is employed by him or her or by a corporation,
30 partnership or association of which he or she shall own or control a majority of the voting stock
31 or a controlling interest;

32 (12) Is a legal resident of another state, licensed pursuant to section 375.017 or 375.126,
33 which other state does not allow legal residents of Missouri to obtain a license to act as an agent
34 or broker and to transact the business of solicitation of, negotiation for, or procurement or
35 making of, insurance or annuity contracts;

36 (13) Owned or operated an insurance business in this state if the agent, broker or agency
37 knew, or should have known, that the result was, or was likely to have been, an illegal placement
38 of insurance with an unauthorized "multiple employer self-insured health plan" as that term is
39 defined in section 376.1000, RSMo, or the subsequent servicing of an insurance policy illegally
40 placed with an unauthorized multiple employer self-insured health plan.

41 2. The director may refuse to issue any license to any insurance agent, agency or broker
42 if he or she determines that the licensee or applicant has, at any time, or if an insurance agency,
43 the officers, owners or managers thereof have violated any of the provisions set out in subsection

44 1 of this section.

45 3. Every agent or broker licensed in this state shall notify the director, in writing, within
46 thirty days, of any change in his or her residence address, and any agency licensed in this state
47 shall notify the director, in writing, within thirty days, of any change in its business address. If
48 the failure to notify the director of such change in address results in an inability to serve an agent,
49 broker or agency with a complaint as provided by sections 621.045 to 621.198, RSMo, then the
50 director may immediately revoke the license of said agent, broker or agency until such time as
51 service may be obtained.] **for any one or more of the following causes:**

52 **(1) Intentionally providing materially incorrect, misleading, incomplete or untrue**
53 **information in the license application;**

54 **(2) Violating any insurance laws, or violating any regulation, subpoena or order of**
55 **the director or of another insurance commissioner in any other state;**

56 **(3) Obtaining or attempting to obtain a license through material misrepresentation**
57 **or fraud;**

58 **(4) Improperly withholding, misappropriating or converting any moneys or**
59 **properties received in the course of doing insurance business;**

60 **(5) Intentionally misrepresenting the terms of an actual or proposed insurance**
61 **contract or application for insurance;**

62 **(6) Having been convicted of a felony or crime involving moral turpitude;**

63 **(7) Having admitted or been found to have committed any insurance unfair trade**
64 **practice or fraud;**

65 **(8) Using fraudulent, coercive, or dishonest practices, or demonstrating**
66 **incompetence, untrustworthiness or financial irresponsibility in the conduct of business**
67 **in this state or elsewhere;**

68 **(9) Having an insurance producer license, or its equivalent, denied, suspended or**
69 **revoked in any other state, province, district or territory;**

70 **(10) Signing the name of another to an application for insurance or to any**
71 **document related to an insurance transaction without authorization;**

72 **(11) Improperly using notes or any other reference material to complete an**
73 **examination for an insurance license;**

74 **(12) Knowingly acting as an insurance producer when not licensed or accepting**
75 **insurance business from an individual knowing that person is not licensed;**

76 **(13) Failing to comply with an administrative or court order imposing a child**
77 **support obligation; or**

78 **(14) Failing to comply with any administrative or court order directing payment**
79 **of state or federal income tax.**

80 **2. In the event that the action by the director is not to renew or to deny an**
81 **application for a license, the director shall notify the applicant or licensee in writing and**
82 **advise the applicant or licensee of the reason for the denial or nonrenewal. Appeal of the**
83 **nonrenewal or denial of the application for a license shall be made pursuant to the**
84 **provisions of chapter 621, RSMo.**

85 **3. The license of a business entity licensed as an insurance producer may be**
86 **suspended, revoked, renewal refused or an application may be refused if the director finds**
87 **that a violation by an individual insurance producer was known or should have been**
88 **known by one or more of the partners, officers or managers acting on behalf of the**
89 **business entity and the violation was neither reported to the director nor corrective action**
90 **taken.**

91 **4. The director may also revoke or suspend [under] pursuant to subsection 1 of this**
92 **section any license issued by the director where the licensee has failed to renew or has**
93 **surrendered such license.**

94 **5. Every insurance producer licensed in this state shall notify the director of any**
95 **change of address, on forms prescribed by the director, within thirty days of the change.**
96 **If the failure to notify the director of the change of address results in an inability to serve**
97 **the insurance producer with a complaint as provided by sections 621.045 to 621.198,**
98 **RSMo, then the director may immediately revoke the license of the insurance producer**
99 **until such time as service may be obtained.**

100 **6. An insurance producer shall report to the director any administrative action**
101 **taken against the producer in another jurisdiction or by another governmental agency in**
102 **this state within thirty days of the final disposition of the matter. This report shall include**
103 **a copy of the order, consent order or other relevant legal documents.**

104 **7. Within thirty days of the initial pretrial hearing date, a producer shall report to**
105 **the director any criminal prosecution for a felony or a crime involving moral turpitude of**
106 **the producer taken in any jurisdiction. The report shall include a copy of the indictment**
107 **or information filed, the order resulting from the hearing and any other relevant legal**
108 **documents.**

375.158. 1. No insurer shall engage in the business of insurance in this state without first
2 complying with all the provisions of the laws of this state governing the business of insurance.

3 2. No insurer organized or incorporated under the laws of this state shall undertake any
4 business or risk except as provided by those laws. No insurer organized or incorporated by or
5 under the laws of this state or any other state of the United States or any foreign government,
6 transacting the business of life insurance, shall be permitted or allowed to take any other kind
7 of risks except those connected with or pertaining to making assurance on the life of a human

8 being and the granting, purchasing and disposing of annuities and endowments, and the making
9 of insurance against accident and sickness to persons by life or health or life and health insurers
10 as provided in sections 376.010 and 376.309, RSMo.

11 3. No insurer doing business in this state shall pay any commission or other
12 compensation to any person or entity for any services, as [agent] **insurance producer**, in
13 obtaining in this state any contract of insurance except to a licensed [and appointed agent]
14 **insurance producer** of the insurer[,] and a licensed [and appointed] **business entity** insurance
15 [agency with a copy of its current agency license on file with the insurer; or a licensed broker
16 having a copy of the agency's or broker's current license on file with the insurer] **producer**.

379.356. No insurer[, broker or agent] or **insurance producer** shall knowingly charge,
2 demand or receive a premium for any policy of insurance except in accordance with the
3 provisions of section 379.017 and sections 379.316 to 379.361. No insurer or employee thereof,
4 and no [broker or agent] **insurance producer** shall pay, allow, or give, directly or indirectly, as
5 an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement,
6 credit or reduction of the premium named in a policy of insurance, or any special favor or
7 advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or
8 inducement whatever, not specified in the policy of insurance, except to the extent provided for
9 in applicable filings. No insured named in any policy of insurance shall knowingly receive or
10 accept, directly or indirectly, any [such] rebate, discount, abatement, credit or reduction of
11 premium, or any [such] special favor or advantage or valuable consideration or inducement.
12 Nothing in this section shall be construed as prohibiting the payment of, nor permitting the
13 regulation of the payment of, commissions or other compensation to duly licensed [agents and
14 brokers] **insurance producers**; nor as prohibiting, or permitting the regulation of, any insurer
15 from allowing or returning to its participating policyholders or members, dividends or savings.

384.043. 1. No agent or broker [licensed by the state] shall procure any contract of
2 surplus lines insurance with any nonadmitted insurer, unless he possesses a current surplus lines
3 insurance license issued by the director.

4 2. The director shall issue a surplus lines license to any qualified [resident] holder of a
5 current **resident or nonresident** property and casualty [broker's] license but only when the
6 [broker] **licensee** has:

- 7 (1) Remitted the one hundred dollar initial fee to the director;
- 8 (2) Submitted a completed license application on a form supplied by the director;
- 9 (3) Passed a qualifying examination approved by the director, except that all holders of
10 a license prior to July 1, 1987, shall be deemed to have passed such an examination; and
- 11 (4) Filed with the director, and maintains during the term of the license, in force and
12 unimpaired, a bond in favor of this state in the penal sum of [ten] **one hundred** thousand dollars

13 **or in a sum equal to the tax liability for the previous tax year, whichever is smaller,**
14 aggregate liability, with corporate sureties approved by the director. The bond shall be
15 conditioned that the surplus lines licensee will conduct business in accordance with the
16 provisions of sections 384.011 to 384.071 and will promptly remit the taxes as provided by law.
17 No bond shall be terminated unless at least thirty days' prior written notice is given to the
18 licensee and director. [If the director determines that a surplus lines licensee of a reciprocal sister
19 state is competent and trustworthy, then he may, in his discretion, issue a nonresident surplus
20 lines agent's license. A nonresident licensee shall be limited in his authority to servicing of
21 business negotiated elsewhere and filing any appropriate taxes. A nonresident licensee shall not
22 solicit business.]

23 3. Each surplus lines license shall be renewed annually on the anniversary date of
24 issuance and continue in effect until refused, revoked or suspended by the director in accordance
25 with section 384.065; except that if the annual renewal fee for the license is not paid on or before
26 the anniversary date the license terminates. The annual renewal fee is fifty dollars.

2 [375.021. A license issued to an agent shall authorize him to act as agent
3 until such time as the license is terminated, suspended or revoked. Upon the
4 termination, suspension or revocation of the license, the agent or any person having
5 possession of the license shall immediately return same to the director and the
6 director shall notify the agent and all companies appointing the agent by letter that
7 the license is terminated, suspended or revoked. If at any time an agent has been
8 without an appointment by a company for a period of two years, the director shall
9 send the agent notice that the license will terminate within thirty working days except
10 that if such agent has complied with the provisions of section 375.020 and has paid
11 all licensing and other fees required by law, such agent's license shall not be so
12 terminated. The agent may request a hearing before the director within thirty
13 working days of notice of termination. Any insurance agent, broker or insurance
14 agency holding a valid license on January 1, 1982, will not be required to take an
15 examination or pay a fee for said license. In addition, no insurance company is
16 required to appoint any agent which is designated on the records of the department
of insurance as representing said company as of January 1, 1982.]

2 [375.027. A nonrenewable temporary license may be issued for a period not
3 to exceed ninety days in cases where an applicant has theretofore filed a completed
4 application for a license, has secured a company appointment, has paid the applicable
fees and where the director is satisfied as to the applicant's business reputation.]

2 [375.061. 1. No insurance agency shall act as an agency in this state unless
it is licensed by the director as provided in this chapter.

3 2. Before any insurance agency license shall be issued, there shall be on file
4 in the office of the director the following documents and information:

5 (1) An application such as may be prescribed by the director showing the
6 name of the agency, business address or addresses of the agency, whether the agency

7 is a partnership, unincorporated association or corporation; if a partnership or
8 BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed
9 to prepare a properly inscribed copy of this resolution unincorporated association,
10 the name and residence of each and every person or corporation having an interest
11 in or owning any part of the agency; if a corporation, the names and addresses of the
12 officers and directors of the corporation;

13 (2) A list of all insurance agents or brokers employed or acting in behalf of
14 or through the agency and to whom the agency pays any salary or commission for the
15 solicitation of or negotiation for any insurance contract.

16 3. Within twenty working days after the change of any information submitted
17 on the application, or upon termination of any agency, the agency shall notify the
18 director of the change or termination. The notification is to be filed without charge.

19 4. Upon receipt of an application and the payment of a fee of one hundred
20 dollars, the director, if satisfied that the agency has complied with the provisions
21 herein provided, shall issue a license which shall continue until suspended or revoked
22 or the agency is terminated by operation of law.

23 5. Each insurance agency shall be responsible for renewing its agency license
24 biennially on the anniversary date of the original licensing or the agency license shall
25 terminate. The fee for renewal shall be one hundred dollars. The department of
26 insurance shall assess a late fee for any insurance agency which fails to renew its
27 agency license within thirty days of the renewal date, at the rate of twenty-five dollars
28 per month.

29 6. Notwithstanding any other provision, nothing herein shall prohibit any
30 insurance company from paying a commission or other remuneration to a duly
31 licensed insurance agency.

32 7. It shall be unlawful for an insurance agency to solicit, negotiate for or
33 produce contracts of insurance except through duly licensed insurance agents or
34 brokers.

35 8. Any owner, officer, manager or director willfully violating any provision
36 of this section is guilty of a class A misdemeanor and upon conviction therefor, if the
37 offender holds a broker's or agent's license, the court imposing sentence shall order
38 the director of the department of insurance to revoke such license.]

[375.081. 1. If satisfied that the applicant meets the requirements of sections
2 375.018 and 375.091, the director shall subject the applicant to a written examination
3 as to his or her competence to act as broker for any kind or kinds of insurance, or
4 subdivision thereof, for which he or she wishes to be licensed. Such examinations
5 shall be held at such times and places as the director shall from time to time
6 determine. The director may, at his or her discretion, designate an independent
7 testing service to prepare and administer such examination subject to direction and
8 approval by the director, and examination fees charged by such service shall be paid
9 by the applicant. An examination fee represents an administrative expense and is not
10 refundable.

11 2. If the director is satisfied as to the qualifications of the applicant, he or she

12 shall issue a license limited to the kind, or kinds, of insurance, or any subdivision
13 thereof, for which the applicant is qualified.

14 3. Each applicant shall be advised of the result of his or her examination
15 within twenty working days after the date of the examination.

16 4. The director may establish reasonable rules and regulations with respect
17 to the scope, type, and conduct of uniform examinations and the times and places
18 where they shall be held. The rules and regulations may require a reasonable waiting
19 period before giving an examination to an applicant who has failed to pass a previous
20 similar examination.]

[375.082. The director shall waive the examination for a person applying for
2 a broker's license if such person has had a resident agent's license in more than one
3 line of insurance for at least five years immediately preceding the time of application
4 for a broker's license and is a resident of the state of Missouri at the time of
5 application.]

[375.086. No examination shall be required of:

2 (1) An applicant for the same kind of license as that which he holds in this
3 state as of January 1, 1982; or

4 (2) An applicant for the same kind of license as that which he has held in
5 another state within one year next preceding the date of his application and which he
6 secured by passing a written examination; and provided that the applicant is a legal
7 resident of this state at the time of his application and is otherwise deemed by the
8 director to be fully qualified and competent.]

[375.091. Any license required by this chapter shall be issued to any person
2 who is at least eighteen years of age, a citizen of the United States, and who is
3 trustworthy and competent to act, and intends to hold himself out in good faith as an
4 insurance broker, and the license is not sought principally for the purpose of
5 soliciting, negotiating or procuring insurance contracts covering himself or his spouse
6 or insurance on property owned by the applicant.]

[375.096. 1. The biennial renewal fee for a broker's license is one hundred
2 dollars for each license. A broker's license shall be renewed biennially on the
3 anniversary date of issuance and continue in effect until refused, revoked, or
4 suspended by the director in accordance with section 375.141; except that if the
5 biennial renewal fee for the license is not paid within ninety days after the biennial
6 anniversary date or if the broker has not complied with section 375.020 if applicable
7 within ninety days after the biennial anniversary date, the license terminates as of
8 ninety days after the biennial anniversary date.

9 2. Any nonresident broker who has not complied with the provisions of
10 section 375.020 may not reapply for a broker's license until that broker has taken the
11 continuing education courses required under section 375.020.

12 3. A broker whose license terminated for nonpayment of the biennial renewal
13 fee or noncompliance with section 375.020 may apply for a new broker's license
14 because of such nonpayment or noncompliance, except that such broker must comply
15 with all provisions of sections 375.076, 375.082, 375.086, and 375.091 regarding

16 issuance of a new license if such license was terminated for noncompliance with
17 section 375.020, or shall pay a late fee at the rate of twenty-five dollars per month or
18 fraction thereof after the biennial anniversary date if such license was terminated for
19 nonpayment of the renewal fee, except that nothing in this subsection shall require
20 the director to relicense any broker determined to have violated the provisions of
21 subsection 1 of section 375.141.]

2 [375.101. The director shall, if requested, issue a broker's temporary license
3 without requiring the applicant to pass a written examination in the following
4 circumstances:

5 (1) To the surviving spouse or next of kin or to the personal representative
6 of a deceased licensed broker or to the spouse, next of kin, employee or conservator
7 of a licensed broker becoming disabled because of sickness, mental or physical
8 disability or injury, if in the director's opinion the temporary license is necessary for
9 the continuation of the business of the broker thereby affected. The license shall be
10 issued for a term not exceeding six months and the director may in his discretion
11 renew the license for an additional term of six months, thus not exceeding in the
12 aggregate twelve months;

13 (2) To the appointee of a licensed broker who enters upon active service in
14 the armed forces of the United States, for such period of time as in the opinion of the
15 director may be necessary for the continuation of the business of the broker thereby
affected.]

2 [375.121. Every insurance broker acting as such in this state shall be
3 responsible in a fiduciary capacity for all funds received or collected as an insurance
4 broker, and shall not, without the express consent of his principal, mingle any such
5 funds with his own funds or with funds held by him in any other capacity. Nothing
6 herein contained requires any broker to maintain a separate bank deposit for the funds
7 of each principal, if and as long as the funds so held for each principal are reasonably
ascertainable from the books of account and records of the broker.]

2 [375.142. For a broker or agent licensed pursuant to this chapter, the director
3 of the department of insurance may change such broker's or agent's anniversary date
4 of issuance one time to coincide with the anniversary date for that broker's or agent's
license.]

Section B. The repeal of sections 375.021, 375.027, 375.061, 375.081, 375.082, 375.086,
2 375.091, 375.096, 375.101, 375.121 and 375.142, the repeal and reenactment of sections
3 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.022, 375.025, 375.031,
4 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.065, 375.071, 375.076, 375.106,
5 375.116, 375.136, 375.141, 375.158 and 379.356 and the enactment of sections 375.015 and
6 375.023 of this act shall become effective January 1, 2003.